

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF ORCHARD)	
GRASS UTILITIES, INC. AND OLDHAM)	
COUNTY SEWER DISTRICT FOR APPROVAL)	CASE NO.
OF THE TRANSFER OF WASTEWATER)	2004-00029
TREATMENT FACILITIES PURSUANT TO)	
AN ASSET PURCHASE AGREEMENT)	
BETWEEN THE PARTIES)	

O R D E R

On January 29, 2004, Orchard Grass Utilities, Inc. and Oldham County Sewer District ("OCSD") (collectively, "Joint Applicants") filed, pursuant to KRS 278.020(4) and (5), a joint application for Commission approval of the proposed transfer of Orchard Grass Utilities, Inc. On February 12, 2004, Robert L. Madison filed a motion requesting that he be granted full intervention in the proceeding and that the Commission establish the procedural schedule set forth in the motion. On February 18, 2004, the Joint Applicants filed a response to Mr. Madison's motion. In their response, the Joint Applicants address Mr. Madison's concern about future rates and his concern with the Jefferson County/Oldham County boundary issue. They argue that he has not shown that he has a special interest and that his request for intervention should be denied. In the event the Commission grants the intervention, they propose an alternate procedural schedule.

The Commission, having considered the motion and the response thereto and being otherwise sufficiently advised, finds that Mr. Madison's motion should be granted in part and denied in part. The Commission finds that Mr. Madison is likely to present

issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and that he should be granted intervention, but finds that the procedural schedule proposed by Mr. Madison should be denied as it extends the proceeding beyond the statutory period of time.¹ The Commission further finds that the procedural schedule proposed by the Joint Applicants should be denied and that the procedural schedule set forth in Appendix A should be followed.

IT IS THEREFORE ORDERED that:

1. Mr. Madison's request for full intervention is granted.
2. Mr. Madison shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Mr. Madison file documents of any kind with the Commission in the course of these proceedings, he shall also serve a copy of said documents on all other parties of record.
4. The procedural schedule proposed by Mr. Madison and the procedural schedule proposed by the Joint Applicants are denied.
5. The Parties shall adhere to the procedural schedule set forth in Appendix A to this Order.

¹ KRS 278.020 provides that the Commission shall render a decision in this proceeding within 60 days of the filing of the application unless good cause is shown to continue the proceeding for up to an additional 60 days.

Done at Frankfort, Kentucky, this 20th day of February, 2004.

By the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2004-00029 DATED February 20, 2004

Initial data requests to Joint Applicants
are due no later than March 1, 2004

Joint Applicants shall respond to all information
requests no later than..... March 8, 2004

Any request for a formal hearing shall be filed
no later than March 11, 2004